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Attorneys for Defendants  
COUNTY OF CONTRA COSTA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

12 ABHINAV BHATNAGAR,  
13 Plaintiff  
14 v.  
15 JASON INGRASSIA, COUNTY OF  
16 CONTRA COSTA, and CITY OF SAN  
17 RAMON,  
Defendants.

Case No. CV07-02669 CRB

DEFENDANT CONTRA COSTA COUNTY  
AND CITY OF SAN RAMON  
SUPPLEMENTARY STATEMENT OF  
LEGAL ISSUES FOR CASE  
MANAGEMENT CONFERENCE.

20 Counsel for Plaintiff and Counsel for the defendants County of Contra Costa and City  
21 of San Ramon met and conferred in person on the case management conference statement.  
22 Counsel for Deputy Ingrassia joined this meeting by phone. Following the initial meeting  
23 further discussions occurred in an extensive telephone call between Plaintiff's counsel and  
24 counsel for the City and County which attempted to resolve differences over the legal issues.  
25 Despite these efforts, a good faith dispute has arisen on the proper formulation of issues which  
26 the parties have been unable to resolve. For this reason, defendants County and City  
27 supplement the case management conference to state the legal issues as defendants see them as

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CONFERENCE.

1 follows:

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3 3. Legal issues:

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A. Federal Claims

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6 1. Was there a constitutional violation by Officer Ingrassia which creates a right to  
7 recover damages against Officer Ingrassia under 43 U.S.C. §1983 under the Fourth,  
Fifth, and Fourteenth Amendments to the Constitution of the United States?

8

9 2. Was there probable cause for the arrest of Mr. Bhatnagar for driving under the  
10 influence of alcohol or for the issuance of a citation for an illegal left turn?

11

12 3. Is Officer Ingrassia entitled to qualified immunity?

13

14 4. If there was a constitutional violation, did the constitutional violation result from an  
15 unconstitutional policy or a custom or practice of longstanding?

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17 5. If there was a constitutional violation, was the constitutional violation ratified by a  
18 policy making officer or body of the County of Contra Costa with full knowledge of the  
19 events and circumstances of the constitutional violation?

20

21 6. Does the plaintiff have standing to raise a claim under Title VI ( 42 U.S.C. § 2000d.)  
22 relating to his drunk driving arrest or the subsequent left turn citation both claimed to be  
23 on the basis of racial profiling since he is neither an applicant, intended beneficiary, or  
24 participant in a federally funded program for which the Sheriff's Department receives  
25 funds?

26

27 7. Is Officer Ingrassia absolutely immune under *Briscoe v. LaHue*, 460 U.S. 325,(1983)  
28 and its progeny for testimony given in the state court proceedings.

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8. Are there grounds for municipal liability of the City of San Ramon for alleged constitutional violations of Officer Ingrassia if the City is not a final policy maker for and does not have authority to set policy for the officers of the Contra Costa County Sheriff's Department providing police services under contract between the City and the County Sheriff's Department?

9. Even if, arguendo, the City of San Ramon were shown to have policy making authority, is there any basis for municipal liability either by a showing that the alleged acts of Officer Ingrassia flowed from a policy, custom or practice of the City of San Ramon or were ratified with knowledge of the facts and circumstances.

#### B. State Law Claims

1. Did Officer Ingrassia have probable cause to arrest Mr. Bhatnagar for driving under the influence of alcohol or cite him for making an illegal left turn?

2. Can Officer Ingrassia's testimony in state judicial and administrative proceedings serve as a basis for liability under state law since it is privileged within the meaning of California Civil Code section 47?

3. Is Officer Ingrassia immune from state law claims (Fifth, Seventh, Eighth, Ninth and Tenth Causes of Action) other than false arrest based on his investigation and institution of the drunk driving charge and the issuance of the citation for an illegal left turn under Government Code section 821.6?

4. Are the City of San Ramon and the County of Contra Costa immune under California Government Code section 815.2 (b) (2) for the state law claims (Fifth, Seventh, Eighth, Ninth and Tenth Causes of Action) other than false arrest based on the officer's

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1 investigation and institution of the drunk driving charge and issuance of the citation if  
2 Ingrassia is immune under Government Code section 821.6?

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Other Legal Issues

5 1. Is either Ingrassia, the County, or the City bound by the findings of Bhatnagar's,  
6 motion to suppress, the dismissal of his traffic citation, or the DMV license hearings on  
7 any question of fact or law?

8

9 2. Whether the "findings" of the underlying criminal actions and administrative DMV  
10 proceedings to which neither the County, the City nor Officer Ingrassia were parties are  
11 relevant, non hearsay, binding or admissible against defendants in this action.

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13 If plaintiff is permitted to amend the complaint, there will be additional legal issues for  
14 the Court and the parties to consider depending on the new allegations.

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Respectfully submitted.

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DATED: August 17, 2007

SILVANO B. MARCHESI, County Counsel

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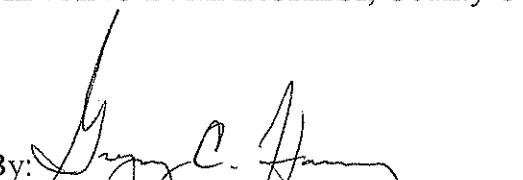
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By:   
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Attorneys for Defendants  
COUNTY OF CONTRA COSTA

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